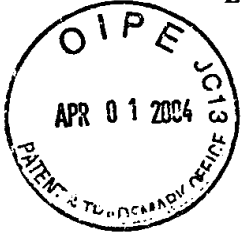


EXPRESS MAIL NO.: EL615431309US

DATE MAILED: April 1, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jonathan W. NYCE

Application No. 09/841,426

Filed: April 24, 2001

For: **COMPOSITION, FORMULATIONS
WITH AN EPIANDROSTERONE OR A
UBIQUINONE & KITS & THEIR USE
FOR TREATMENT OF ASTHMA
SYMPTOMS & FOR REDUCING
ADENOSINE/ADENOSINE RECEPTOR
LEVELS**

Art Unit: 1617

Examiner: Jiang, Shaojia A.

Confirmation No.: 5444

Attorney Docket No.:
.02486.0017.CPUS05 (EPI-00311)

**Notice of Appeal From the Examiner to the Board
of Patent Appeals and Interferences - Small Entity**

Mail Stop AF
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated **October 1, 2003** that resulted in Applicant having claims that have been twice or finally rejected.

The fee (for a qualified small entity) for filing a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (37 C.F.R. § 1.17(b)), along with any necessary extension fees (37 C.F.R. § 1.17(a)), is included in our Check No. 6695. In the event that extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

04/07/2004 AWONDAF1 00000077 09841426

01 FC:2401

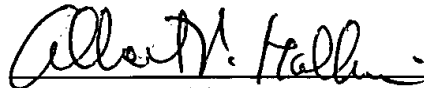
165.00 OP

Applicant: Jonathan W. Nyce
Appln. Serial No. 09/841,426

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 02486.0017.CPUS05. A duplicate copy of this Notice is attached.

Respectfully submitted,

Date: April 1, 2004


Albert P. Halluin, (Reg. No. 25,227)
Robin C. Chiang (Reg. No. 46,619)

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue
Box 34
Menlo Park, CA 94025
(650) 463-8109